

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA,
NORTHERN DIVISION**

**J.B., a minor child, by and through his)
next friend, ADDIE WARD, on behalf of)
himself and all other similarly situated;)**

Plaintiff,

vs.

**WALTER WOOD, in his individual)
capacity,)**

Defendant.)

**Case No: 2:06-CV-755-MHT
CLASS ACTION**

**J.B., a minor child, by and through his)
next friend, ADDIE WARD, on behalf of)
himself and all other similarly situated;)**

Plaintiff,

vs.

**WALTER WOOD, in his individual)
capacity,)**

Defendant.)

**Case No: 2:06-CV-908-MHT
CLASS ACTION**

MOTION TO SUBSTITUTE DOCUMENT

COMES NOW, the Defendant, by and through his attorney, and requests that exhibit 1 of Document 30, Brief In Support of Summary Judgment, be replaced with the attached redacted document.

Done this 9th day of July 2007.

Respectfully submitted

TROY KING

ATTORNEY GENERAL

s/ T. Dudley Perry, Jr.

T. Dudley Perry, Jr.
Bar Number: 3985-R67T
Deputy Attorney General
Alabama Department of Youth Services
Post Office Box 66
Mt. Meigs, AL 36057
Telephone: (334) 215-3803
Fax: (334) 215-3872
E-Mail: dudley.perry@dys.alabama.gov

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of July, 2007, I electronically filed the forgoing Motion to Substitute Document, with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Michael J. Crow, Esq.
Beasley, Allen
Post Office Box 4160
Montgomery, AL 36103-4160

Robert D. Drummond, Jr., Esq
Attorney At Law
323 De La Mare Avenue
Fairhope, AL 36532

s/T. Dudley Perry, Jr.

T. Dudley Perry, Jr.
Deputy Attorney General
Alabama Department of Youth Services

EXHIBIT 1



Alabama Department of Youth Services Main Juvenile Information

Case No.: AUTA-8215 Name: J [REDACTED] C B [REDACTED]

Alias:

C [REDACTED]

Gender:

Male

Date of Birth:

[REDACTED]

S.S.N:

[REDACTED]

Age:

16 (Current)

15 (At Commitment)

Commitment Information:**Probation Officer:**

Ray Williams

Office#:

334-261-4100

Beeper #:**DYS Returnee?**

No

HIT Returnee?

No

Commitment Type:

Regular DYS

Committing County:

Montgomery

Main Committing Offense:

BURGLARY

Other Committing Offenses:**Main Offense Category:**

Offenses against property

Past Offenses:

4

Date/Risk Information:**Commitment Date By Court:**

05/18/2005

Date Notification Order Received by DYS:

05/24/2005

Screening and Placement Staffing Date:**Initial Date of Entry into DYS:**

06/28/2005

Service Plan Staffing Date:**Anticipated Entry/ Return Date:****Psych. Evaluation/Intake Date:****Anticipated Release Date:**

10/04/2005

Placement:

Released from DYS Custody

Placed on Aftercare

Actual Entry Date Into Facility:

08/16/2005

Status:

RELEASED

Case Manager:

Phyllis Taylor

Risk Score:

11

Needs Score:**Multiple Needs?****Drug & Alcohol Score:****Medical Risk?**

No

Suicide Risk?

No

Security Risk?

No

Substance Abuse?

Yes

Gang Affiliation?

Yes

Occult Involvement?

No

Weapon Involvement?

Yes

Other Custody:**Release Type:****EXHIBIT**

tabbies

EXHIBIT

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J. B. -- March 26, 2007

1

IN THE UNITED STATES DISTRICT COURT
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J. B., a minor
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CASE NO.
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vs.

J. WALTER WOOD,
in his individual
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Defendant.

* * * * *

DEPOSITION OF J. B.

taken pursuant to notice and
stipulation on behalf of the
Defendant, in the Central Office,
Mt. Meigs Complex, 1000 Industrial
School Road, Mt. Meigs, Alabama,
before Mishan Williamson, Certified
Shorthand Reporter and Notary Public
in and for the State of Alabama at
Large, on March 26, 2007, commencing
at approximately 10:04 a.m.

APPEARANCES

FOR THE PLAINTIFF:

MICHAEL J. CROW, ESQ.

Beasley, Allen, Crow,
Methvin, Portis & Miles
218 Commerce Street
Montgomery, Alabama 36104

ROBERT D. DRUMMOND, ESQ.

Attorney at Law
6767 Taylor Circle
Montgomery, Alabama 36117

FOR THE DEFENDANT J. WALTER WOOD:

T. DUDLEY PERRY, JR., ESQ.

Alabama Department of Youth
Services
Montgomery, Alabama

ALSO PRESENT:

ADDIE WARD

PHYLLIS CARNEY

J. B. -- March 26, 2007

7

1 start today and work backward?

2 A. It would be easier to work from the
3 past to now.

4 Q. Okay. What was the -- when were you
5 first committed to state custody?

6 A. In '05 for burglary and theft. And
7 then I had ran. And they put me back
8 in state custody after I ran. And
9 then in '06, for violation of
10 aftercare.

11 THE REPORTER: Violation of
12 what?

13 THE WITNESS: Violation of
14 aftercare.

15 MR. DRUMMOND: Speak a little
16 slower so she can hear
17 you and write.

18 THE WITNESS: Yes, sir.

19 A. And I ran from Mobile again, and they
20 brought me back to Mt. Meigs. And
21 this time, for possession of small
22 pistol and theft of property.

23 Q. So how many times is that?

1 my dad came and got me from
2 Birmingham.

3 Q. How did you get to Birmingham?

4 A. The person I ran with mother came and
5 got us.

6 MR. DRUMMOND: Don't ask that.

7 MR. PERRY: I wonder how that
8 worked out for her.

9 Q. All right. Then in '06, you were
10 committed for aftercare violation?

11 A. Yes, sir.

12 Q. That was a drug offense?

13 A. Yes, sir.

14 Q. Did you test positive, or did they
15 catch you with drugs on you?

16 A. My grandmother found the marijuana in
17 my room.

18 Q. Okay. Now, weren't you sent to jail
19 at one time?

20 A. To the county jail in October of 2006.

21 Q. All right. That was for firing a
22 pistol at Waffle house?

23 A. Yes, sir. I was with another --

J. B. -- March 26, 2007

10

1 another person and we went into the
2 woods behind Holiday Inn and shot the
3 gun. And then they asked some people
4 to say that we shot in the parking
5 lot.

6 Q. Now, before that -- a couple of weeks
7 before that, you had been detained.

8 (Off-the-record discussion.)

9 MR. DRUMMOND: Dudley, this
10 case is still pending. I
11 just want to make sure
12 there's not a pending
13 case still out there. It
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16 questions, one that
17 obviously he's been
18 adjudicated on.

19 So, anyway -- go
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23 you're telling me is,

Alabama Department of Youth Services

Date/Time Printed: 03/05/2007 09:50:35 AM

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Substance Abuse?

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Gang Affiliation?

Yes

Occult Involvement?

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Other Custody:Release Type:**EXHIBIT**

tabbies®

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11 Attorney at Law

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13 Montgomery, Alabama 36117

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18 Services

19 Montgomery, Alabama

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REAGAN REPORTERS, LLC

334.262.7556

www.reaganreporters.com

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J. B. -- March 26, 2007

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J. B. -- March 26, 2007

11

1 there's 5th Amendment
2 privilege issue.

3 MR. DRUMMOND: Well, let's see
4 if we get to -- it may
5 not even come up.

6 Q. Okay. J. B., are there pending cases
7 hanging out there now?

8 A. The case in the county for conspiracy
9 to commit robbery.

10 Q. Well, tell me what that's about.

11 MR. DRUMMOND: I object to
12 that. Dudley, do you
13 really need to ask that?

14 I'm going to
15 instruct him to the 5th
16 -- if you ask him
17 anything about what it's
18 about.

19 Q. All right. That is not the
20 shoplifting at Parisian?

21 A. No, sir.

22 Q. All right. The shoplifting at
23 Parisian's was a couple of weeks